

JOURNAL OF THE SENATE

Tuesday, October 1, 1957

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The Senate convened at 10:00 o'clock A. M., pursuant to adjournment on Monday, September 30, 1957.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Cabot	Gautier	Morgan
Adams	Carlton	Getzen	Neblett
Barber	Carraway	Hair	Pearce
Beall	Clarke	Hodges	Pope
Belser	Connor	Houghton	Rawls
Bishop	Davis	Johns	Rood
Boyd	Dickinson	Johnson	Stenstrom
Brackin	Eaton	Kelly	Stratton
Branch	Edwards	Kickliter	Sutton
Bronson			

—37.

A quorum present.

The following Prayer was offered by the Senate Chaplain, The Reverend Harry B. Douglas:

O God, who has in thy great wisdom prepared for each one of us our task to do for thee, grant that as we return to our labors such a measure of honesty and patience, that we may seek to do thy will for ourselves, and may dedicate our lives to serve thee where we are needed. Enlighten the perplexed, strengthen the faint-hearted, rouse the indifferent, and kindle in us all the fire of true devotion, so that our service will not be in vain, but to the welfare of all men and to thy eternal glory.

And our Heavenly Father we offer our special prayers for the President of the United States, the Governors of the Southern states, and herein more especially for the Governor of this State. Guide their deliberations this day as they seek to make sense of the strange behavior of men. Give them such strength of purpose that thy truth may be seen in all things and in so doing they may order the course of this nation so that there will be peace and understanding, now and forever. This we ask in the name of Him the mediator of all our sins, Jesus Christ. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Monday, September 30, 1957, was corrected and as corrected was approved.

REPORTS OF COMMITTEE

Senator Johnson, Chairman of the Committee on Constitutional Amendments, reported that the Committee had carefully considered the following Joint Resolution:

Senate Joint Resolution No. 6-X(57)—

A Joint Resolution proposing revision of Article II of the Constitution of the State of Florida.

—and recommends that the same pass with committee amendment as attached thereto.

And the Joint Resolution contained in the preceding report, together with the committee amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Johnson, Chairman of the Committee on Constitutional Amendments, reported that the Committee had carefully considered the following Joint Resolutions:

Senate Joint Resolution No. 5-X(57)—

A Joint Resolution proposing revision of Article I of the Constitution of the State of Florida.

Senate Joint Resolution No. 8-X(57)—

A Joint Resolution proposing revision of Article VI of the Constitution of the State of Florida.

—and recommends that the same pass.

And the Joint Resolutions contained in the preceding report were placed on the Calendar of Bills on Second Reading.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

The President submitted to the Senate the question of whether or not the following Bill should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session:

By Senator Beall—

S. B. No. 16-X(57)—A bill to be entitled An Act relating to eating and drinking establishments in and for all counties in the State of Florida having a population of not less than one hundred thousand (100,000) and not more than one hundred fourteen thousand (114,000) inhabitants, according to the last official state-wide decennial census; amending Section 3, Chapter 27047, Acts of 1951, relating to fees for laboratory tests and physical examination; and providing an effective date.

And by a two-thirds affirmative vote of the Senate the Bill was admitted for introduction and consideration by the Senate, and was read the first time by title only.

Senator Beall moved that the rules be waived and Senate Bill No. 16-X(57) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 16-X(57) was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 16-X(57) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 16-X(57) was read the third time in full.

Upon the passage of Senate Bill No. 16-X(57) the roll was called and the vote was:

Yeas—37.

Mr. President	Cabot	Gautier	Morgan
Adams	Carlton	Getzen	Neblett
Barber	Carraway	Hair	Pearce
Beall	Clarke	Hodges	Pope
Belser	Connor	Houghton	Rawls
Bishop	Davis	Johns	Rood
Boyd	Dickinson	Johnson	Stenstrom
Brackin	Eaton	Kelly	Stratton
Branch	Edwards	Kickliter	Sutton
Bronson			

Nays—None.

So Senate Bill No 16-X(57) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

By Senators Johnson, Rawls, Davis and Adams:

Senate Joint Resolution No. 17-X(57)—

A JOINT RESOLUTION PROPOSING REVISION OF THE PREAMBLE OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of the Preamble of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its blessings and to form a more perfect government, insuring domestic tranquillity, maintaining public order, and guaranteeing equal civil and political rights to all, do ordain and establish this constitution.

This Preamble is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this Preamble the amendments constituting respectively Articles I through IV and VI through XIV. This paragraph is an integral part of this Preamble and the entire Preamble shall be invalid if this paragraph is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

The President submitted to the Senate the question of whether or not the following Bill should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session:

By Senator Carlton—

S. B. No. 18-X(57)—A bill to be entitled An Act relating to the compensation of the county judge and the clerk of the circuit court in all counties of the State of Florida having a population of not less than ten thousand (10,000), and not more than ten thousand one hundred (10,100) according to the latest official state-wide decennial census; providing that such county judges and clerks of the circuit court shall each receive for their official services compensation in the sum of seven thousand five hundred dollars (\$7,500.00) annually; providing for payment thereof from the whole or part of the fees and commissions collected by each such officer; providing for payment of such compensation when fees or commissions are insufficient in any year to pay the same, and providing that this act shall, insofar as the same is in conflict with Section 145.01, Florida Statutes, supersede the same; providing an effective date.

And by a two-thirds affirmative vote of the Senate the Bill

was admitted for introduction and consideration by the Senate, and was read the first time by title only.

Senator Carlton moved that the rules be waived and Senate Bill No. 18-X(57) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 18-X(57) was read the second time by title only.

Senator Carlton moved that the rules be further waived and Senate Bill No. 18-X(57) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 18-X(57) was read the third time in full.

Upon the passage of Senate Bill No. 18-X(57) the roll was called and the vote was:

Yeas—37.

Mr. President	Cabot	Gautier	Morgan
Adams	Carlton	Getzen	Neblett
Barber	Carraway	Hair	Pearce
Beall	Clarke	Hodges	Pope
Belser	Connor	Houghton	Rawls
Bishop	Davis	Johns	Rood
Boyd	Dickinson	Johnson	Stenstrom
Brackin	Eaton	Kelly	Stratton
Branch	Edwards	Kickliter	Sutton
Bronson			

Nays—None.

So Senate Bill No. 18-X(57) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The President submitted to the Senate the question of whether or not the following Memorial should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session:

By Senators Kickliter, Connor, Hair, Bishop, Morgan, Belser, Bronson, Boyd, Hodges, Johns, Brackin, Rawls and Johnson—

Senate Memorial No. 19-X(57)—

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES TO ENACT MEASURES TENDING TO CAUSE THE WITHDRAWAL OF FEDERAL MILITARY FORCES FROM THE OCCUPATION OF LITTLE ROCK, ARKANSAS, AND PREVENT THE FURTHER INTRUSION BY FEDERAL MILITARY TROOPS ON THE CONSTITUTIONAL RIGHTS OF THE SOVEREIGN STATES OF THE UNION, BY WITHHOLDING OF APPROPRIATIONS AND PUBLIC FUNDS FROM SUCH TROOPS WHILE SO ENGAGED, THEREBY GUARANTEEING THE SOVEREIGN STATES FREEDOM FROM MILITARY RULE AS CONTEMPLATED BY THE FIRST FOUR ARTICLES TO THE CONSTITUTION.

WHEREAS, the Legislature of Florida, during the 1957 Legislative Session, through Senate Concurrent Resolution No. 72, unequivocally expressed a firm and determined resolution to maintain and defend the Constitution of the United States against every attempt, whether foreign or domestic, to undermine and destroy the fundamental principles, embodied in our basic law, by which the liberty of the people and the sovereignty of the states, in their proper spheres, have long been protected and assured, and

WHEREAS, the Legislature of Florida doth hereby express a firm belief that the recent action of the President of the United States, in inflicting military rule upon the sovereign state of Arkansas, is a far more serious threat to the security of the Nation and our constitutional form of government than any possible threat from abroad, and

WHEREAS, the Legislature of Florida lately did explicitly and peremptorily assert that it viewed the powers of the federal government as resulting solely from the compact to which the states are parties, as limited by the plain sense and intention of the instrument creating that compact, which compact carefully expressed the limited powers of the President of the United States, and

WHEREAS, the Legislature of Florida did assert most clearly that the powers of the federal government, including those of the President, are valid only to the extent that such powers have been enumerated in the compact to which the various states assented originally and to which the states have assented in subsequent amendments validly adopted and ratified, and

WHEREAS, the Legislature of Florida did consider that the very nature of this basic compact, apparent upon its face, is that the ratifying states, parties thereto, have agreed voluntarily to surrender certain of their sovereign rights, but only certain of these sovereign rights, to a federal government thus constituted; and that all powers not delegated to the United States, including the President thereof, by the Constitution, or prohibited by it to the states, have been reserved to the states, respectively, or to the people, and

WHEREAS, the several sovereign states have at no time surrendered to the federal government their right under the Tenth Amendment to the Constitution to exercise their discretion in the regulation of matters of strictly local concern, and

WHEREAS, the sovereign states, in ratifying the Fourteenth Amendment to the Constitution, did not agree that the power to regulate matters of local concern be prohibited to them thereby, and

WHEREAS, the Legislature of Florida emphatically denies that the President of the United States had the right which he asserted recently to peremptorily use federal troops in the sovereign state of Arkansas to compel the enforcement of a questionable judicial edict requiring the enforced integration of the public schools therein, and

WHEREAS, the threats and coercive measures of the federal military troops occupying the sovereign state of Arkansas constitute a deliberate, palpable, and dangerous attempt by the President and the federal government to prohibit to the states certain rights and powers never surrendered by them, and

WHEREAS, the President of the United States, without the request, consent, and in the absence of the Governor, ordered federal troops to occupy a portion of the sovereign state of Arkansas, and such troops through the exercise of brute force and with the high-handed tactics reminiscent of Hitler's storm troopers declared their intention to rule the citizenry therein, and thereby proceeded to maliciously and unnecessarily enjoin the inherent and inalienable rights and powers of the citizens thereof, and

WHEREAS, the immediate military leader of such troops, arrogantly and with impunity and with the implied acquiescence of the President of the United States, entered the public schools of Arkansas and thrust his views upon the minds of the children therein, thereby indelibly impressing upon the minds and hearts of such children the imprint of Fascism and military arrogance, and

WHEREAS, the President of the United States, in ordering federal military troops to occupy Little Rock, Arkansas, cited as authority for such act a clearly unconstitutional law which was created by a vengeful Reconstruction Congress to give dictatorial powers to the President of the United States, and

WHEREAS, even if such law were constitutional its provisions were improperly invoked by the President in that no federal law was being breached, and

WHEREAS, the federal military forces occupying Little Rock, Arkansas, under the express order of the President of the United States are not in nature or fact a *posse comitatus* authorized by federal law to assist a federal marshal in enforcement of a federal law, and

WHEREAS, the President was without authority and jurisdiction to invoke federal military rule in the sovereign state of Arkansas because (1) the Governor of Arkansas did not provide the requisite request for military assistance, (2) a state of insurrection, rebellion, or need to repel an invasion, did not exist, (3) no federal law existed upon which a violation was predicated, and

WHEREAS, if the President of the United States had had jurisdiction and authority to invoke federal military rule

in the sovereign state of Arkansas, he was powerless to interfere with the operation of the public schools therein because the Constitution of the United States does not confer upon the President, or the federal government, any power or authority over such schools or over the subject of education, jurisdiction over these matters being reserved to the states, nor did the states by the Fourteenth Amendment authorize any interference on the part of the President or any other department of the federal government with the operation by the states of such public schools as they might in their discretion see fit to establish and operate, and

WHEREAS, the President of the United States, by his recent action invoking military rule in the sovereign state of Arkansas, announced his power to adjudge state laws ineffectual and inoperative on the basis of his opinion of such laws as tested by the existing climate of political expediency, and

WHEREAS, the President of the United States, by federalizing the State Militia of Arkansas, rendered the Governor thereof powerless to employ such agency of state government for the protection of the inhabitants thereof should an emergency arise within the State requiring their use, and

WHEREAS, if the President of the United States is permitted to exercise the power to determine the method of enforcing a federal decree, and thereby to invoke military rule because of the inconvenience attendant in the proper use of constitutional processes, the states will have been destroyed; and the indestructible union of indestructible states established by the Constitution of the United States will have ceased to exist, and in its stead the President will have created, without jurisdiction or authority from the people, a dictator form of government, possessing total, unrestricted power, and

WHEREAS, it is clear that the President of the United States has deliberately resolved to disobey the Constitution of the United States and to flout and defy the supreme law of the land. The duty and responsibility of protecting life, property and the priceless possession of freedom rests with each government of each individual state of the union, as to all those within their respective territorial limits. The state alone has this responsibility, and

WHEREAS, it is clearly evident to the Legislature of Florida that the President of the United States, by his action, in the sovereign state of Arkansas, and his general intent as inadvertently disclosed by the Pentagon to occupy southern states with military forces, is deserving of the censure of the Congress, and

WHEREAS, the Legislature of Florida asserts that whenever the President of the United States engages in the deliberate, palpable and dangerous exercise of powers not granted to him, the states who are parties to the compact have the right to expect and require that the Congress of the United States exercise the powers granted by the compact to arrest the progress of the evil, and maintain the constitutional guarantees of the several sovereign states under the Tenth Amendment to the United States Constitution, and

WHEREAS, a failure on the part of the Congress thus to assert its authority in this regard would be construed as acquiescence in the surrender thereof; and that such submissive acquiescence to the seizure of one right by the President would in the end lead to the surrender of all rights, and inevitably to the consolidation of all functions of government under one separate dictatorial head, contrary to the sacred compact by which this Union of States was created, NOW, THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the Congress of the United States be and it is hereby requested to:

(1) withhold all funds and appropriations from any federal military forces directed to occupy any sovereign state without the express approval of the governor therein, and

(2) enact legislation designed to assure the several sovereign states freedom from federal military control, and

(3) enact an appropriate measure censuring the Presi-

dent of the United States for his deliberate interference with the constitutional guarantees of the citizens of Little Rock, Arkansas, and admonishing the President to recognize the Congress of the United States as the legally proper branch of the government charged with the responsibility of furnishing direction in matters relating to civil rights as contemplated by the language of Section 2 of the Fourteenth Amendment that "The Congress shall have power to enforce this article by appropriate legislation."

BE IT FURTHER RESOLVED, that copies of this Memorial be dispatched to the President of the United States; to the President of the United States Senate; to the Speaker of the United States House of Representatives; and to each of the congressional delegation in the United States Congress.

And by a two-thirds affirmative vote of the Senate the Memorial was admitted for introduction and consideration by the Senate, and was read the first time in full.

Senator Davis presiding.

Senator Kickliter moved that the rules be waived and Senate Memorial No. 19-X(57) be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

And Senate Memorial No. 19-X(57) was read the second time in full.

The question was put on the adoption of the Memorial.

Upon the adoption of Senate Memorial No. 19-X(57) the roll was called and the vote was:

Yeas—35.

Adams	Cabot	Gautier	Neblett
Barber	Carlton	Getzen	Pearce
Beall	Carraway	Hair	Pope
Belser	Clarke	Hodges	Rawls
Bishop	Connor	Johns	Rood
Boyd	Davis	Johnson	Stenstrom
Brackin	Dickinson	Kelly	Stratton
Branch	Eaton	Kickliter	Sutton
Bronson	Edwards	Morgan	

Nays—1.

Houghton

So Senate Memorial No. 19-X(57) was adopted and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The Presiding Officer submitted to the Senate the question of whether or not the following Bill should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session:

By Senator Carraway—

S. B. No. 20-X(57)—A bill to be entitled An Act amending Section 4 of Chapter 24,914, Laws of Florida, Acts of 1947, the same being entitled "An Act authorizing the City of Tallahassee to enlarge and extend its electric plant and distribution system, authorizing the issuance of certificates of indebtedness to pay therefor, authorizing the city to do all things necessary or incidental to the enlargement, extension and operation of such electric plant and distribution system and the issuance of such certificates of indebtedness, providing for the payment of such certificates solely from the net revenues to be derived from the operation of said plant and system, authorizing the refunding of certain outstanding certificates of indebtedness, and providing remedies in the event of a default by the city," relating to the issuance of certificates of indebtedness by the City of Tallahassee for the purpose of enlarging and extending its electric plant and distribution system, by providing that the maximum interest rate that such certificates of indebtedness may bear shall be increased from the rate of four per centum (4%) per annum to six per centum (6%) per annum.

And by a two-thirds affirmative vote of the Senate the Bill was admitted for introduction and consideration by the Senate, and was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill

No. 20-X(57) when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Carraway moved that the rules be waived and Senate Bill No. 20-X(57) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 20-X(57) was read the second time by title only.

Senator Carraway moved that the rules be further waived and Senate Bill No. 20-X(57) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 20-X(57) was read the third time in full.

Upon the passage of Senate Bill No. 20-X(57) the roll was called and the vote was:

Yeas—37.

Mr. President	Cabot	Gautier	Morgan
Adams	Carlton	Getzen	Neblett
Barber	Carraway	Hair	Pearce
Beall	Clarke	Hodges	Pope
Belser	Connor	Houghton	Rawls
Bishop	Davis	Johns	Rood
Boyd	Dickinson	Johnson	Stenstrom
Brackin	Eaton	Kelly	Stratton
Branch	Edwards	Kickliter	Sutton
Bronson			

Nays—None.

So Senate Bill No. 20-X(57) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The Presiding Officer submitted to the Senate the question of whether or not the following Bill should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session:

By Senator Beall—

S. B. No. 21-X(57)—A bill to be entitled "An Act amending Section 2.F of Chapter 57-1310 of the Florida Statutes relating to Escambia County Water Development Authority, so as to eliminate the part thereof that provides that no water supply facility as therein defined shall be constructed or operated in such a manner as to subject the said authority to the jurisdiction of the Federal Power Commission under the provisions of Title 16, Section 797, United States Code."

And by a two-thirds affirmative vote of the Senate the Bill was admitted for introduction and consideration by the Senate, and was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 21-X(57) when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Beall moved that the rules be waived and Senate Bill No. 21-X(57) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 21-X(57) was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 21-X(57) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 21-X(57) was read the third time in full.

Upon the passage of Senate Bill No. 21-X(57) the roll was called and the vote was:

Yeas—37.

Mr. President	Cabot	Gautier	Morgan
Adams	Carlton	Getzen	Neblett
Barber	Carraway	Hair	Pearce
Beall	Clarke	Hodges	Pope
Belser	Connor	Houghton	Rawls
Bishop	Davis	Johns	Rood
Boyd	Dickinson	Johnson	Stenstrom
Brackin	Eaton	Kelly	Stratton
Branch	Edwards	Kickliter	Sutton
Bronson			

Nays—None.

So Senate Bill No. 21-X(57) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
October 1, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has admitted for consideration by an affirmative two-thirds vote of the House and has passed—

By Mr. Chaires of Dixie—

H. B. No. 7-X—A bill to be entitled An Act authorizing the Boards of County Commissioners of the counties of this State having a population of not less than three thousand four hundred and ninety (3,490) and not more than four thousand two hundred and sixty (4,260) according to the last decennial federal census, to use county funds and to furnish, when and as required, lands, easements, rights-of-way and spoil disposal areas, in connection with projects for establishing, improving or expanding public navigation facilities in their county, by the United States or any of its agencies, and in providing and maintaining, without cost to the United States, adequate public mooring facilities and utilities, including landings with suitable supply facilities, open to all on equal terms.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

The Presiding Officer submitted to the Senate the question of whether or not House Bill No. 7-X, contained in the foregoing message, should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session.

And by a two-thirds affirmative vote of the Senate the Bill was admitted for introduction and consideration by the Senate, and was read the first time by title only.

Senator Hodges moved that the rules be waived and House Bill No. 7-X be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 7-X was read the second time by title only.

Senator Hodges moved that the rules be further waived and House Bill No. 7-X be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 7-X was read the third time in full.

Upon the passage of House Bill No. 7-X the roll was called and the vote was:

Yeas—37.

Mr. President	Cabot	Gautier	Morgan
Adams	Carlton	Getzen	Neblett
Barber	Carraway	Hair	Pearce
Beall	Clarke	Hodges	Pope
Belser	Connor	Houghton	Rawls
Bishop	Davis	Johns	Rood
Boyd	Dickinson	Johnson	Stenstrom
Brackin	Eaton	Kelly	Stratton
Branch	Edwards	Kickliter	Sutton
Bronson			

Nays—None.

So House Bill No. 7-X passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The following message from the House of Representatives was also read:

Tallahassee, Florida,
October 1, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has admitted for consideration by an affirmative two-thirds vote of the House and has passed—

By Messrs. Papy and Porter of Monroe—

H. B. No. 5-X—A bill to be entitled An Act amending Section 1 of Chapter 31009, Laws of Florida, Acts of the Legislature, year 1955, entitled "An Act amending Section 1 of Chapter 29295, Laws of Florida, Acts of the Legislature year 1953, entitled 'An Act Amending Section 16 of Chapter 26042, Laws of Florida, Acts of the Legislature year 1949, entitled 'An Act providing for the creation, organization and administration of anti-mosquito districts in Monroe County, Florida; providing for the appointment and election of commissioners for said district; specifying their rights, powers and duties; providing for the financing by taxation, and for the disbursement of such finances: naming the duties of county commissioners, tax assessors and collectors; and providing penalties for damages to any works of the district.' By changing the method by which the Board of County Commissioners of Monroe County, Florida determines the amount of taxes levied for the Monroe County anti-mosquito district by limiting the rate of taxation to 1 mill; repealing all laws and parts of laws, whether general or special, in conflict with this Act to the extent of such conflict; and providing when Act shall take effect.' By increasing the rate of taxation to be levied for said district." By increasing the rate of taxation to be levied for said district and repealing all laws and parts of laws in conflict with this Act.

Proof of publication attached.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

The Presiding Officer submitted to the Senate the question of whether or not House Bill No. 5-X, contained in the foregoing message, should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session.

And by a two-thirds affirmative vote of the Senate the Bill was admitted for introduction and consideration by the Senate, was read the first time by title only, and placed on the Calendar of Local Bills on Second Reading.

Proof of publication of Notice was attached to House Bill No. 5-X when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

The following message from the House of Representatives was also read:

Tallahassee, Florida,
October 1, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has admitted for consideration by an affirmative two-thirds vote of the House and has passed—

By Messrs. Hopkins and Stone of Escambia—

H. B. No. 19-X—A bill to be entitled An Act amending subsection (f) of Section 4 of Chapter 57-1313, Laws of Florida, Special Acts of 1957, relating to the construction, operation and maintenance of public utilities in Escambia County by exempting from the provisions of said Subsection (f) any public utility operating under the jurisdiction of the Florida Railroad and Public Utilities Commission.

Proof of publication attached.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

The Presiding Officer submitted to the Senate the question of whether or not House Bill No. 19-X, contained in the foregoing message, should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session.

And by a two-thirds affirmative vote of the Senate the Bill was admitted for introduction and consideration by the Senate, and was read the first time by title only.

Proof of publication of Notice was attached to House Bill No. 19-X when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Beall moved that the rules be waived and House Bill No. 19-X be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 19-X was read the second time by title only.

Senator Beall moved that the rules be further waived and House Bill No. 19-X be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 19-X was read the third time in full.

Upon the passage of House Bill No. 19-X the roll was called and the vote was:

Yeas—37.

Mr. President	Cabot	Gautier	Morgan
Adams	Carlton	Getzen	Neblett
Barber	Carraway	Hair	Pearce
Beall	Clarke	Hodges	Pope
Belser	Connor	Houghton	Rawls
Bishop	Davis	Johns	Rood
Boyd	Dickinson	Johnson	Stenstrom
Brackin	Eaton	Kelly	Stratton
Branch	Edwards	Kickliter	Sutton
Bronson			

Nays—None.

So House Bill No. 19-X passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

CONSIDERATION OF BILLS AND JOINT RESOLUTIONS ON SECOND READING

Senate Joint Resolution No. 6-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE II OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE
STATE OF FLORIDA:

Section 1. The following proposed revision of Article II of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE II

GENERAL PROVISIONS

Section 1. **Rules of construction.**—Unless qualified in the text the following rules of construction shall apply to this constitution:

- (a) "Herein" refers to the entire constitution.
- (b) The singular includes the plural.
- (c) The masculine includes the feminine and the neuter.
- (d) "Vote of the electors" means the vote of the majority of those voting on the matter in an election, general or special, in which those participating are limited to the qualified electors of the governmental unit referred to in the text.
- (e) Vote or other action of a legislative house or other governmental body means the vote or action of a majority or other specified percentage of those members voting on the matter; the vote or other action "of the membership" means the vote or action of all members thereof.
- (f) Titles and subtitles shall not be used in construction.

Section 2. **Branches of government.**—The powers of the state government shall be divided into the Legislative, Executive, and Judicial branches. No person properly belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.

Section 3. **State boundaries.**—The state boundaries are: Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude 30° 16' 53" north and longitude 87° 31' 06" west intersect; thence to the point where latitude 30° 17' 02" north and longitude 87° 31' 06" west intersect; thence to the point where latitude 30° 18' 00" north and longitude 87° 27' 08" west intersect; thence to the point where the center line of the Intra-coastal Canal (as the same existed on June 12, 1953) and longitude 87° 27' 00" west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the State of Alabama, being also the point of intersection of the middle of the Perdido River with latitude 31° 00' 00" north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31° 00' 00", north to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean, and extending therein to a point three geographic miles from the Florida coast line, meaning the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; thence southwestwardly following a line three geographic miles distant from the Atlantic coast line of the state and three leagues distant from the Gulf of Mexico coast line of the state to and around the Tortugas Islands; thence northeastwardly, three leagues distant from the coast line, to a point three leagues distant from the coast line of the mainland; thence north and northwestwardly, three leagues distant from the coast line, to a point west of the mouth of the Perdido River, three leagues from the coast line, as measured on a line bearing 0° 01' 00" west from the point of beginning; thence along said line to the point of beginning.

The legislature may extend the coastal boundaries to such limits as the laws of the United States or international law may permit.

Section 4. **Seat of government—location of offices.**—The seat of government shall be the City of Tallahassee, in Leon

County, where the offices of the executive officers and of the supreme court shall be maintained; provided, when necessary because of invasion or grave emergency the governor by proclamation may for the period necessary transfer the seat of government to another place. Administrative agencies shall maintain their offices at the places prescribed by law.

Section 5. State seal and flag.—The design of the great seal and flag of the state shall be prescribed by the legislature.

Section 6. Felony—definition.—The term "felony" as used herein and in the laws of this state shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or by imprisonment in the state penitentiary.

Section 7. Census.—The latest state-wide decennial federal census shall be the official state census and shall be cited in all laws based on population and for reapportionment of representation. County or district censuses may be taken for all other purposes as provided by law.

Section 8. Public officers—methods of selection—qualifications—residence and other limitations—appointment—vacancy—refusal of confirmation—term—duties and personal attention thereto—oath—bond—payment of compensation.—The legislature shall provide for election by the people or appointment by the governor of each state or county officer if the method of his selection is not provided herein, and except as provided herein it shall prescribe his qualifications, method of election, duties, powers, term, and compensation, and also the membership of each board or commission. Each public officer shall maintain his residence within the area from which selected whenever election or appointment from a designated area is required by law. No person holding or exercising the functions of any office under a foreign government, the United States, or another state, shall hold any office of honor or profit under the government of this state. No person shall at the same time hold or perform the functions of more than one office under the government of this state; provided, notaries public and military officers may be elected or appointed to fill any single legislative, executive, or judicial office.

Except as provided herein and as may be provided by law for selection of jury commissioners, the governor shall make all appointments to each state or county appointive office and shall fill each vacancy in office. Vacancy occurs upon death, failure to qualify within fifteen days from commencement of the term of office to which elected, or, after qualification, upon removal, impeachment, resignation, succession to another office, failure to maintain residence within the area from which selected, or unexplained absence for six months. If confirmation of appointment to an office is required and the senate disapproves the appointment, the person proposed shall be ineligible for appointment to that office for four years from refusal of confirmation.

Except as provided herein no term of office shall exceed four years and the term of each elective officer shall commence at noon, standard time at the seat of office, on the first Tuesday after the first Monday in January following the election. An officer elected to fill a vacancy shall serve from noon on such Tuesday for the unexpired portion of the term, and one appointed to fill a vacancy in elective office shall serve until his elected successor takes office. An appointive officer whose term is not fixed by law shall serve at the pleasure of the appointing authority. Each public officer shall continue in office until his successor qualifies.

Each public officer or agency shall perform the duties prescribed herein, and all except the governor shall perform all other duties prescribed by law. Each public officer shall devote personal attention to the duties of his office. Each legislator shall take the following oath of office on the first day of the next session of the legislature following his election but upon election shall be qualified to participate in all interim legislative activities, and each other public officer before taking office shall swear or affirm: "I do solemnly swear [or affirm] that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that I will well and faithfully perform the duties of [title of office] on which I am now about to enter. So help me God."

Each public officer shall give bond as provided by law and shall not be surety upon the official bond of another public officer. His compensation shall be payable monthly on his own requisition.

Section 9. Property of married women.—All property of a wife owned before or acquired after marriage shall be her separate property and shall not be liable for the debts of her husband without her written consent executed according to law governing conveyance of the subject property.

Section 10. Suits against public bodies—extra compensation—claim bills.—The legislature may provide by general law for suits against the state or any public body therein.

No extra compensation shall be paid to any officer, agent, or employee after the service is rendered, or to any contractor except in accordance with the terms of the contract. No money shall be appropriated for or paid on any claim not specifically identified and provided for by law in force when the claim accrues unless the compensation or claim has been allowed by bill passed by two thirds of the members elected to each house of the legislature.

Section 11. Civil actions—restrictions on statutes of limitation.—The time for bringing a civil action on any existing cause of action shall not be reduced without providing a reasonable period for bringing it.

Section 12. Criminal statutes—repeal or modification.—Repeal or amendment of a criminal statute shall not affect prosecution or punishment for any crime committed prior thereto.

Section 13. Amendments to United States constitution—prerequisite to state action.—No state convention or legislature shall take action on any proposed amendment to the constitution of the United States unless a majority of the members thereof shall have been elected after its submission to the states.

Section 14. Lotteries prohibited.—All lotteries are prohibited.

Section 15. Miscegenation prohibited.—Marriage between a white person and a person of negro descent through the fourth generation is prohibited.

Section 16. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I, III, IV, and VI through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Was taken up in its order and read the second time in full.

The Committee on Constitutional Amendments offered the following amendment to Senate Joint Resolution No. 6-X(57):

Page 2 at end of line 18 (printed bill), strike out the comma and insert in lieu thereof the following: "of the island of Dry Tortugas,"

Senator Johnson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Johnson moved that the rules be waived and Senate Joint Resolution No. 6-X(57), as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 6-X(57), as amended, was read the third time in full as follows:

Senate Joint Resolution No. 6-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE II OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article II of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE II

GENERAL PROVISIONS

Section 1. **Rules of construction.**—Unless qualified in the text the following rules of construction shall apply to this constitution:

- (a) "Herein" refers to the entire constitution.
- (b) The singular includes the plural.
- (c) The masculine includes the feminine and the neuter.
- (d) "Vote of the electors" means the vote of the majority of those voting on the matter in an election, general or special, in which those participating are limited to the qualified electors of the governmental unit referred to in the text.
- (e) Vote or other action of a legislative house or other governmental body means the vote or action of a majority or other specified percentage of those members voting on the matter; the vote or other action "of the membership" means the vote or action of all members thereof.
- (f) Titles and subtitles shall not be used in construction.

Section 2. **Branches of government.**—The powers of the state government shall be divided into the Legislative, Executive, and Judicial branches. No person properly belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.

Section 3. **State boundaries.**—The state boundaries are: Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude 30° 16' 53" north and longitude 87° 31' 06" west intersect; thence to the point where latitude 30° 17' 02" north and longitude 87° 31' 06" west intersect; thence to the point where latitude 30° 18' 00" north and longitude 87° 27' 08" west intersect; thence to the point where the center line of the Intra-coastal Canal (as the same existed on June 12, 1953) and longitude 87° 27' 00" west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the State of Alabama, being also the point of intersection of the middle of the Perdido River with latitude 31° 00' 00" north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31° 00' 00", north to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean, and extending therein to a point three geographic miles from the Florida coast line, meaning the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; thence southeastwardly following a line three geographic miles distant from the Atlantic coast line of the

state and three leagues distant from the Gulf of Mexico coast line of the state to and around the Tortugas Islands; thence northeastwardly, three leagues distant from the coast line of the island of Dry Tortugas, to a point three leagues distant from the coast line of the mainland; thence north and northwestwardly, three leagues distant from the coast line, to a point west of the mouth of the Perdido River, three leagues from the coast line, as measured on a line bearing 0° 01' 00" west from the point of beginning; thence along said line to the point of beginning.

The legislature may extend the coastal boundaries to such limits as the laws of the United States or international law may permit.

Section 4. **Seat of government—location of offices.**—The seat of government shall be the City of Tallahassee, in Leon County, where the offices of the executive officers and of the supreme court shall be maintained; provided, when necessary because of invasion or grave emergency the governor by proclamation may for the period necessary transfer the seat of government to another place. Administrative agencies shall maintain their offices at the places prescribed by law.

Section 5. **State seal and flag.**—The design of the great seal and flag of the state shall be prescribed by the legislature.

Section 6. **Felony—definition.**—The term "felony" as used herein and in the laws of this state shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or by imprisonment in the state penitentiary.

Section 7. **Census.**—The latest state-wide decennial federal census shall be the official state census and shall be cited in all laws based on population and for reapportionment of representation. County or district censuses may be taken for all other purposes as provided by law.

Section 8. **Public officers—methods of selection—qualifications—residence and other limitations—appointment—vacancy—refusal of confirmation—term—duties and personal attention thereto—oath—bond—payment of compensation.**—The legislature shall provide for election by the people or appointment by the governor of each state or county officer if the method of his selection is not provided herein, and except as provided herein it shall prescribe his qualifications, method of election, duties, powers, term, and compensation, and also the membership of each board or commission. Each public officer shall maintain his residence within the area from which selected whenever election or appointment from a designated area is required by law. No person holding or exercising the functions of any office under a foreign government, the United States, or another state, shall hold any office of honor or profit under the government of this state. No person shall at the same time hold or perform the functions of more than one office under the government of this state; provided, notaries public and military officers may be elected or appointed to fill any single legislative, executive, or judicial office.

Except as provided herein and as may be provided by law for selection of jury commissioners, the governor shall make all appointments to each state or county appointive office and shall fill each vacancy in office. Vacancy occurs upon death, failure to qualify within fifteen days from commencement of the term of office to which elected, or, after qualification, upon removal, impeachment, resignation, succession to another office, failure to maintain residence within the area from which selected, or unexplained absence for six months. If confirmation of appointment to an office is required and the senate disapproves the appointment, the person proposed shall be ineligible for appointment to that office for four years from refusal of confirmation.

Except as provided herein no term of office shall exceed four years and the term of each elective officer shall commence at noon, standard time at the seat of office, on the first Tuesday after the first Monday in January following the election. An officer elected to fill a vacancy shall serve from noon on such Tuesday for the unexpired portion of the term, and one appointed to fill a vacancy in elective office shall serve until his elected successor takes office. An appointive officer whose term is not fixed by law shall serve at the pleasure of the appointing authority. Each public officer shall continue in office until his successor qualifies.

Each public office or agency shall perform the duties prescribed herein, and all except the governor shall perform all other duties prescribed by law. Each public officer shall devote personal attention to the duties of his office. Each legislator shall take the following oath of office on the first day of the next session of the legislature following his election but upon election shall be qualified to participate in all interim legislative activities, and each other public officer before taking office shall swear or affirm: "I do solemnly swear [or affirm] that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that I will well and faithfully perform the duties of [title of office] on which I am now about to enter. So help me God."

Each public officer shall give bond as provided by law and shall not be surety upon the official bond of another public officer. His compensation shall be payable monthly on his own requisition.

Section 9. Property of married women.—All property of a wife owned before or acquired after marriage shall be her separate property and shall not be liable for the debts of her husband without her written consent executed according to law governing conveyance of the subject property.

Section 10. Suits against public bodies—extra compensation—claim bills.—The legislature may provide by general law for suits against the state or any public body therein.

No extra compensation shall be paid to any officer, agent, or employee after the service is rendered, or to any contractor except in accordance with the terms of the contract. No money shall be appropriated for or paid on any claim not specifically identified and provided for by law in force when the claim accrues unless the compensation or claim has been allowed by bill passed by two thirds of the members elected to each house of the legislature.

Section 11. Civil actions—restrictions on statutes of limitation.—The time for bringing a civil action on any existing cause of action shall not be reduced without providing a reasonable period for bringing it.

Section 12. Criminal statutes—repeal or modification.—Repeal or amendment of a criminal statute shall not affect prosecution or punishment for any crime committed prior thereto.

Section 13. Amendments to United States constitution—prerequisite to state action.—No state convention or legislature shall take action on any proposed amendment to the constitution of the United States unless a majority of the members thereof shall have been elected after its submission to the states.

Section 14. Lotteries prohibited.—All lotteries are prohibited.

Section 15. Miscegenation prohibited.—Marriage between a white person and a person of negro descent through the fourth generation is prohibited.

Section 16. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I, III, IV, and VI through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments

at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Upon the passage of Senate Joint Resolution No. 6-X(57), as amended, the roll was called and the vote was:

Yeas—34.

Adams	Carlton	Getzen	Neblett
Barber	Carraway	Hair	Pearce
Beall	Clarke	Hodges	Pope
Bishop	Connor	Johns	Rawls
Boyd	Davis	Johnson	Rood
Brackin	Dickinson	Kelly	Stenstrom
Branch	Eaton	Kickliter	Stratton
Bronson	Edwards	Morgan	Sutton
Cabot	Gautier		

Nays—2.

Belser Houghton

So Senate Joint Resolution No. 6-X(57) passed, as amended, by the required constitutional three-fifths vote of all members elected to the Senate for the 1957 Extraordinary Session of the Florida Legislature, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Johnson moved that the rules be waived and Senate Joint Resolution No. 6-X(57) be immediately certified to the House of Representatives after being engrossed.

Which was agreed to by a two-thirds vote and it was so ordered.

Senate Joint Resolution No. 8-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE VI OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article VI of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE VI

SUFFRAGE AND ELECTIONS

Section 1. Secret vote—direct vote—choice by plurality—regulation of elections.—Unless otherwise provided herein, all elections by the people shall be by secret and direct vote and shall be determined by a plurality of the votes cast. The conduct of elections, requirements for absentee voting, methods of voting, determination of election returns, and procedure in election contests shall be prescribed by law. Recognition, regulation, and nominating procedure of political parties shall be provided by law.

Section 2. Electors—qualification—registration.—Every citizen of the United States who is twenty-one years of age, and who immediately preceding registration has been a permanent resident for one year in the state and for six months in the county in which he applies to register, shall upon registering be a qualified elector of such county at all elections under this constitution. The legislature shall provide for registration of all electors, and may provide for registration of electors outside the territorial limits of the state, and no person may vote unless registered according to law. A naturalized citizen shall exhibit his certificate of naturalization or a duly certified copy thereof to the registration officer when applying for registration.

Section 3. Oath of electors.—Each elector shall take the following oath upon registering: "I do solemnly swear [or affirm] that I will protect and defend the Constitution

of the United States and the Constitution of the State of Florida, that I am twenty-one years of age, that I have been a resident of the State of Florida for one year and of the county for six months, and that I am qualified to vote under the Constitution and laws of the State of Florida."

Section 4. Disqualifications.—No person convicted in this state of a felony, or elsewhere convicted of a crime that would constitute a felony if committed in this state, or judicially determined to be of unsound mind, or under judicial guardianship because of mental disability, shall be qualified to vote or hold public office until his civil rights are restored or his disability removed.

Section 5. General and special elections.—A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state or county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. The month and day of general elections may be changed by law.

Special elections and referenda shall be held at the time and in the manner provided by law.

Section 6. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I through IV and VII through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Was taken up in its order and read the second time in full

Senator Johnson moved that the rules be waived and Senate Joint Resolution No. 8-X(57) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 8-X(57) was read the third time in full.

Upon the passage of Senate Joint Resolution No. 8-X(57) the roll was called and the vote was:

Yeas—33.

Adams	Carlton	Gautier	Morgan
Barber	Carraway	Getzen	Neblett
Beall	Clarke	Hair	Pearce
Bishop	Connor	Hodges	Pope
Boyd	Davis	Johns	Rawls
Brackin	Dickinson	Johnson	Stenstrom
Branch	Eaton	Kelly	Stratton
Bronson	Edwards	Kickliter	Sutton
Cabot			

Nays—2.

Belser	Houghton
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So Senate Joint Resolution No. 8-X(57) passed by the required constitutional three-fifths vote of all members elected to the Senate for the 1957 Extraordinary Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senate Joint Resolution No. 5-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE I OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article I of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE I

DECLARATION OF RIGHTS

Section 1. Political power—government.—All political power is inherent in the people. Government is instituted for their protection, security, and benefit. They have the right to regulate their government and to amend or repeal this constitution. The enumeration herein of certain rights shall not be construed to deny or impair others retained by the people.

Section 2. Equality—inalienable rights—property rights of foreigners.—All persons, including foreigners eligible to become citizens of the United States, are equal before the law and have inalienable rights. Among these are the right to enjoy life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess, and protect property; but the legislature may regulate or prohibit the ownership, inheritance, disposition, or possession of real property by persons ineligible for citizenship.

Section 3. Religious freedom.—The free exercise and enjoyment of religious belief and worship shall never be abridged, but this freedom shall not be construed to justify licentiousness or practices inconsistent with peace and safety. No person shall be incompetent as a witness or ineligible for jury duty or public office because of religious belief. No preference shall be given by law to any religious denomination or mode of worship, and no public funds shall be granted directly or indirectly in aid of any religious denomination or sectarian institution.

Section 4. Freedom of speech and press.—Every person may freely speak, write, and publish his sentiments on any subject, being responsible for the abuse of this right, and no law shall restrain or abridge the freedom of speech or of the press. The truth of the matter published and good motive in publishing it shall constitute a complete defense in any criminal or civil proceeding for defamation.

Section 5. Assembly--petition.—The people may assemble peaceably to consult for the common good, may instruct their representatives, and may petition for redress of grievances.

Section 6. Right to work--collective bargaining.—The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization. This section shall not be construed to deny or abridge the right of employees by and through a labor organization or labor union to bargain collectively with their employer.

Section 7. Right to bear arms.—Every person may keep and bear arms in defense of his home, person, property, and the lawful authority of the state, but the legislature may prescribe the manner of bearing them.

Section 8. Searches and seizures.—The people shall be secure in their persons, houses, papers, and effects against unreasonable searches and seizures; and no warrant to search any place or seize any person or thing shall issue except upon oath or affirmation, showing probable cause and particularly describing the place to be searched and the person or thing to be seized.

Section 9. Access to courts.—The courts shall be open to

every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Section 10. Condemnation — preliminary taking. — Private property shall not be taken without full compensation determined by a jury of twelve. Interim possession may be obtained after commencement of suit upon securing payment by deposit of money, an equitable part of which shall be released upon application of the party entitled. Benefits resulting from improvements proposed to be made by a private or public corporation or individual shall not be applied in reduction of compensation. The legislature may provide for drainage of private land over or through that of another upon payment of full compensation.

Section 11. Attainder—ex post facto law—impairment of contract.—No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be passed.

Section 12. Indictment—information—plea—sentence.—No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court. A person charged with any crime not capital may be arraigned and may plead thereto in term or vacation, and the court may at any time pronounce judgment and sentence on a plea of guilty.

Section 13. Habeas corpus.—The writ of habeas corpus shall be granted as of right, promptly and without cost.

Section 14. Bail.—Until adjudged guilty, every person is entitled to release on reasonable bail with sufficient surety unless charged with a capital offense and the proof of guilt is evident or the presumption is great.

Section 15. Jury trial—rights of accused.—The right of trial by jury in criminal and civil proceedings as heretofore established shall be secured to all and remain inviolate.

In all criminal prosecutions the accused shall have the right to demand the nature and cause of the accusation, to be furnished with a copy of the charges, to have compulsory process for attendance of witnesses in his favor, to be confronted in any trial with the witnesses against him, to be heard in person or by counsel or both, and to have a speedy, public, and impartial trial by jury in the county where the crime was committed, if such county is known. If such county is not known, the indictment or information may charge venue in two or more counties conjunctively and proof that the crime was committed in such area shall be sufficient, but the accused may before pleading elect the county in which to be tried. No person shall be compelled to pay costs until convicted on final trial.

No person shall be twice put in jeopardy for the same offense, or be compelled in any criminal case to be a witness against himself, or be deprived of life, liberty, or property without due process of law.

Section 16. Excessive fines—cruel punishment—attainder—detention of witnesses.—Excessive fines, cruel or unusual punishment, attainder, indefinite imprisonment, and unreasonable detention of witnesses are forbidden.

Section 17. Involuntary servitude—imprisonment for debt.—Involuntary servitude is prohibited except as punishment for crime following conviction. No person shall be imprisoned for debt without fraud.

Section 18. Penalties imposed by administrative agencies.—No administrative agency shall impose a sentence of imprisonment. Any penalty imposed by an administrative agency shall be prescribed by law and its imposition shall be subject to judicial review by trial de novo, or otherwise as the legislature may provide.

Section 19. Treason.—Treason against the state consists only of levying war against it or of adhering to or aiding its enemies; and no person shall be convicted thereof without confession in open court or the testimony of two witnesses to the same overt act.

Section 20. Military subordinate to civil—quartering.—The military power is in strict subordination to the civil. No member of the military shall be quartered on private property in time of peace without the consent of the owner, and in time of war all quartering shall be as prescribed by law.

Section 21. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles II, III, IV, and VI through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Was taken up in its order and read the second time in full.

Senators Stenstrom and Boyd offered the following amendment to Senate Joint Resolution No. 5-X(57):

In Section 10, line 6 (typewritten bill) strike out the words: "Benefits resulting from improvements proposed to be made by a private or public corporation or individual shall not be applied in reduction of compensation."

Senator Stenstrom moved the adoption of the amendment.

A roll call was demanded.

Upon call of the roll on the motion made by Senator Stenstrom, the vote was:

Yeas—14.

Barber	Cabot	Getzen	Neblett
Belser	Carlton	Houghton	Rood
Bishop	Carraway	Morgan	Stenstrom
Boyd	Gautier		

Nays—23.

Mr. President	Clarke	Hair	Pearce
Adams	Connor	Hodges	Pope
Beall	Davis	Johns	Rawls
Brackin	Dickinson	Johnson	Stratton
Branch	Eaton	Kelly	Sutton
Bronson	Edwards	Kickliter	

So the amendment failed of adoption.

Senator Stenstrom offered the following amendment to Senate Joint Resolution No. 5-X(57):

In Section 18, line 5 (typewritten bill) strike out the words: "judicial review by trial de novo or otherwise" and insert in lieu thereof the following words: "such judicial review"

Senator Stenstrom moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

Senator Johnson moved that the rules be waived and Senate Joint Resolution No. 5-X(57) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 5-X(57) was read the third time in full.

Upon the passage of Senate Joint Resolution No. 5-X(57) the roll was called and the vote was:

Yeas—31.

Mr. President	Cabot	Edwards	Neblett
Adams	Carlton	Getzen	Pearce
Barber	Carraway	Hair	Pope
Beall	Clarke	Johns	Rawls
Bishop	Connor	Johnson	Stenstrom
Brackin	Davis	Kelly	Stratton
Branch	Dickinson	Kickliter	Sutton
Bronson	Eaton	Morgan	

Nays—4.

Belser	Boyd	Houghton	Rood
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So Senate Joint Resolution No. 5-X(57) passed by the required Constitutional three-fifths vote of all members elected to the Senate for the 1957 Extraordinary Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Johnson, Chairman of the Committee on Constitutional Amendments, moved that the rules be waived and Senate Joint Resolution No. 17-X(57) be withdrawn from the Committee on Constitutional Amendments and placed on the Calendar of Bills on Second Reading.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Johnson requested unanimous consent of the Senate to take up and consider Senate Joint Resolution No. 17-X(57), out of its order.

Unanimous consent was granted, and—

Senate Joint Resolution No. 17-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF THE PREAMBLE OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of the Preamble of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its blessings and to form a more perfect government, insuring domestic tranquillity, maintaining public order, and guaranteeing equal civil and political rights to all, do ordain and establish this constitution.

This Preamble is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this Preamble the amendments constituting respectively Articles I through IV and VI through XIV. This paragraph is an integral part of this Preamble and the entire Preamble shall be invalid if this paragraph is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI

through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Was taken up and read the second time in full.

Senator Johnson moved that the rules be waived and Senate Joint Resolution No. 17-X(57) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 17-X(57) was read the third time in full.

Upon the passage of Senate Joint Resolution No. 17-X(57) the roll was called and the vote was:

Yeas—35.

Mr. President	Cabot	Gautier	Neblett
Adams	Carlton	Getzen	Pearce
Barber	Carraway	Hair	Pope
Beall	Clarke	Hodges	Rawls
Bishop	Connor	Johns	Rood
Boyd	Davis	Johnson	Stenstrom
Brackin	Dickinson	Kelly	Stratton
Branch	Eaton	Kickliter	Sutton
Bronson	Edwards	Morgan	

Nays—2.

Belser	Houghton
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So Senate Joint Resolution No. 17-X(57) passed by the required constitutional three-fifths vote of all members elected to the Senate for the 1957 Extraordinary Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Rood moved that the rules be waived and when the Senate adjourns at this session it adjourn to reconvene at 9:00 o'clock A.M., Wednesday, October 2, 1957.

Pending consideration of the motion made by Senator Rood, Senator Rawls moved as a substitute motion that the rules be waived and when the Senate adjourns at this session it adjourn to reconvene at 9:30 o'clock A. M., Wednesday, October 2, 1957.

The question was put on the substitute motion made by Senator Rawls.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Johnson moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 11:33 o'clock A. M., until 9:30 o'clock A.M., Wednesday, October 2, 1957, pursuant to the motion made by Senator Rawls, this day.